

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-022812

01/10/2006

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

FILED: 01/16/2006

JOSIE LEIMONE, et al.

ROBERT J HOMMEL

v.

AMERICAN HOME ASSURANCE CO, et al.

DENISE H TROY

**TRIAL MINUTE ENTRY
DAY ONE**

Prior to the commencement of trial, Plaintiffs' exhibit numbers 1-189 and Defendants' exhibit numbers 200-210 are marked for identification.

Pursuant to stipulation of counsel, Plaintiffs' exhibit numbers 1-3, 10, 17-18, 22-40, 46-66, 68-77, 79-100, 107-112, 118-120, 132-135, 137, 141, 146-160, 165, 167-174, 179, 183-189 and Defendants' exhibit numbers 200 and 205-210 are stipulated in evidence.

FILED: Depositions of Pamela Sutherin dated October 21, 2004, Louis H. Rappoport, M.D. dated September 16, 2005, Ronica Joyce Rexroat dated October 21, 2004, Roger Scott dated April 21, 2005, John O'Connell dated October 12, 2005, Sandy Grunow dated April 21, 2005, Louis Leimone dated August 30, 2005, Josie Leimone dated August 30, 2005, Douglas S. Bowers, Ph.D. dated September 28, 2005 and Everette Lee Herndon, Jr. dated September 26, 2005.

11:01 a.m. This is the time set for Trial to a Jury. Plaintiffs Josie and Louis Leimone are present and represented by counsel, Robert J. Hommel. Defendants are represented by counsel, Denise H. Troy.

Court Reporter, Mike Benitez, is present.

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Discussion is held regarding Defendants' Motion in Limine #2: Exclusion of the Testimony of Steven C. Ryan.

IT IS ORDERED granting Defendants' Motion in Limine #2: Exclusion of the Testimony of Steven C. Ryan.

Discussion is held regarding trial protocol.

Pursuant to discussion regarding empanelling of the jury, counsel agree that nine jurors will be selected and a verdict will be reached upon agreement of six or more of the jurors.

Discussion is held regarding exhibits.

Defendants' exhibit numbers 211 and 212 are marked for identification.

Discussion is held regarding Ms. Poppe.

IT IS ORDERED precluding Ms. Poppe from being called as a witness in this trial.

Discussion is held regarding the preliminary jury instructions.

11:57 a.m. Court stands at recess.

1:42 p.m. Court reconvenes. Plaintiffs Josie and Louis Leimone are present and represented by counsel, Robert J. Hommel. Defendants are represented by counsel, Denise H. Troy and Timothy J. Thomason.

Court Reporter, Rochelle Dobbins, is present.

Voir dire examination of jurors.

3:10 p.m. Court stands at recess.

3:24 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Rochelle Dobbins, is present.

Voir dire examination of jurors continues.

4:15 p.m. The jury leaves the courtroom while Court remains in session.

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Discussion is held regarding empanelment of the jury. The Court finds that an agreement was previously stated on the record and was not the result of any undue influence. Nine jurors will be selected and a verdict will be reached upon agreement of six or more of the jurors.

Hardships of jurors and strikes for cause are discussed.

The following jurors are struck for hardship: 3, 6, 7, 8, 21, 26, 32 and 35.

4:30 p.m. Court stands at recess.

4:51 p.m. Court reconvenes with respective parties and counsel present. The prospective jury panel is present.

Court Reporter, Rochelle Dobbins, is present.

The names of the trial jurors in this cause are read by the clerk.

5:00 p.m. Court stands at recess until 9:45 a.m. on January 11, 2006.

FILED: Jury List.